

## COMPARISON OF PROPOSED ORDINANCE (Item #29, October 17 Council Agenda)

**Primary Differences: culverts/storm drains, creeks/rivers, accessibility ramps, high fire risk areas, highway underpass medians and slopes are not included in the Mayor or Mayor ProTem's proposals**

### PART 2 - Proposed Camping Ordinance Clarifications 9-4-11(3)

Area	Item #29 (Kitchen, Tovo, Alter, Pool)	Mayor Proposal	Mayor ProTem Proposal
On or inside a culvert or storm drain	Prohibited [B.1]	Not Included	Not Included
In the bed or on the bank of a creek or river and within 5 feet of the top of the bank of a creek or river	Prohibited [B.2]	Not Included	Not Included
On any part of an accessibility ramp for persons with disabilities	Prohibited [B.3]	Not Included	Not Included
On land that the city has designated as having a high fire risk	Prohibited [B.4]	Not Included	Not Included
On a sidewalk	Prohibited [B.5]	Prohibited [C]	<i>[B.1.c.] Prohibits erecting tent or other structure for shelter</i>
Within 15 feet of the door jamb of an entrance or exit to a business or a residence	Prohibited. [B.6]	Prohibited [B.2.c] <i>During operating hours</i>	Prohibited [B.2.(3)] <i>During operating hours</i>
Within the area of the Austin Resource Center for Homeless (ARCH) bordered by East 4th Street (South), Brushy Street (East), East 11th Street (North), and Brazos Street (West), excluding any area under IH-35	Prohibited [B.7.a.]	Prohibited [B.2.a] <i>Bordered by South Bound I-35 Frontage Road (East) rather than Brushy Street</i>	Prohibited [B.2.(1)] <i>Bordered by South Bound I-35 Frontage Road (East) rather than Brushy Street</i>
At the time that the South Austin Housing Center homeless shelter becomes operational, within the area bordered by the western boundary of Manchaca Road, the eastern boundary of South 1st Street, the northern boundary of Lightsey Road, and the southern boundaries of Redd Street and West St. Elmo	Prohibited [B.7.b]	Prohibited [B.2.b] <i>Within one-quarter mile of homeless shelters outside of the Central Business District</i>	Prohibited [B.2.(2)] <i>Within one-quarter mile of homeless shelters outside of the Central Business District</i>
On a traffic island, median strip, median island, intersection island or other similar area under a highway overpass that separates opposing traffic flows with either a painted area or a raised curb where one of the traffic flows is a u-turn lane	Prohibited [B.8]	Not Included	Not Included

Item #29 (Kitchen, Tovo, Alter, Pool)

Area	Item #29 (Kitchen, Tovo, Alter, Pool)	Mayor Proposal	Mayor ProTem Proposal
On the sloped area under a highway and at the top of a retaining wall or alongside a highway overpass	Prohibited [B.9]	Not Included	Not Included
<b>Camping in a manner that includes:</b> (1) damaging, altering, or modifying public infrastructure, including benches, retaining walls, or planters; or (2) obstructing normal use of and access to public infrastructure, including benches or parking pay stations.	Prohibited [C.1 to C.3]	Not Included	Not Included
<b>Areas prohibited under other law or rule, including:</b> (1) in a park; (2) on land designated by the city for conservation, preservation, or water protection including nature preserves, the Balcones Canyonland Preserves, and Austin Water Wildlands; (3) on flood buy-out lands that the city has acquired as high flood risk areas; (4) in the right-of-way of a railroad or light rail track or crossing; (5) in a city library or on the grounds of a city library; (6) on private property without the permission of the owner or a person with apparent authority to act for the owner; (7) in or on transit stops, shelters, platforms, or stations; or (8) in a designated and marked special use zone, including construction zones, commercial service zones, passenger loading zones, customer service zones, and valet zones.	Lists prohibitions already established in findings	Not Included	Not Included

### PART 3 - Proposed Sitting/Lying Down Ordinance Clarifications 9-4-14(3)

Area	Item #29 (Kitchen, Tovo, Alter, Pool)	Mayor Proposal	Mayor ProTem Proposal
Obstructing a sidewalk, trail, or shared-use path	Prohibited [A.2] <i>Applies in area currently in ordinance</i>	Not Included	Not Included
In the right-of-way of a railroad or light rail track or crossing	Prohibited [B.1] <i>Applies citywide</i>	Not Included	Not Included
In a designated and marked special use zone, including, construction zones, commercial service zones, passenger loading zones, customer service zones, and valet zones	Prohibited [B.2] <i>Applies citywide</i>	Not Included	Not Included
On any part of an accessibility ramp, located in a public place, for persons with disabilities	Prohibited [B.3] <i>Applies citywide</i>	Not Included	Not Included
Within 15 feet of the door jamb of an entrance or exit to a business or a residence	Prohibited [B.4] <i>Applies citywide</i>	Prohibited [B.2.c] <i>During operating hours</i>	<i>Prohibits obstructing passage (not sit/lie) during operating hours</i>
Within the area of the Austin Resource Center for Homeless (ARCH) bordered by East 4th Street (South), Brushy Street (East), East 11th Street (North), and Brazos Street (West), excluding any area under IH-35	Prohibited [C.1]	Prohibited [B.2.a] after non-shelter housing offered <i>Bordered by South Bound I-35 Frontage Road (East) rather than Brushy Street</i>	<i>Prohibits obstructing passage after permanent housing offered (not sit/lie)</i>
At the time that the South Austin Housing Center homeless shelter becomes operational, within the area bordered by the western boundary of Manchaca Road, the eastern boundary of South 1st Street, the northern boundary of Lightsey Road, and the southern boundaries of Redd Street and West St. Elmo	Prohibited [C.2]	Prohibited [B.2.b] after non-shelter housing offered <i>Within one-quarter mile of homeless shelters outside of the Central Business District</i>	<i>Prohibits obstructing passage after permanent housing offered (not sit/lie)</i>

### Enforcement and Engagement Process [9-4-11(4) and 9-4-14(4)]

Area	Item #29 (Kitchen, Tovo, Alter, Pool)	Mayor Proposal	Mayor ProTem Proposal
<p>Unless a law enforcement officer determines that there is an imminent health or safety threat, a law enforcement officer may only issue a citation for a violation of this section if, prior to issuing the citation, the law enforcement officer:</p> <p>(A) notifies the person that the conduct violates this section;</p> <p>(B) provides the person with a reasonable opportunity to comply with the prohibition, but the person does not comply; and</p> <p>(C) contacts, whenever reasonable, a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic, or other city designee who shall have the opportunity to offer to transport a person who continues to obstruct, sit, or lie in violation of City Code Section 9-4-14(3) (<i>Obstruction in the Downtown Austin Community Court Area and Sitting or Lying in Other Specified Areas Prohibited</i>) to a location at which such obstructing, sitting, or lying is not prohibited and, as reasonably possible, at which case management and housing services can be received; or</p> <p>(D) determines, in instances where it is not reasonable for a law enforcement officer to contact a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic, or other city designee as required by this section, that the person has previously been notified by a law enforcement officer that the person's conduct at that same address or location violates this section.</p>	<p>Included</p>	<p>Not Included:</p> <ul style="list-style-type: none"> <li>• <i>Contacting social service agencies (C)</i></li> <li>• <i>Previous notification (warning) (D)</i></li> <li>• <i>Ability to respond to imminent health or safety threat</i></li> </ul>	<p>Not Included:</p> <ul style="list-style-type: none"> <li>• <i>Contacting social service agencies (C)</i></li> <li>• <i>Previous notification (warning) (D)</i></li> <li>• <i>Ability to respond to imminent health or safety threat</i></li> </ul> <p>Includes:</p> <ul style="list-style-type: none"> <li>• <i>Advising lawful alternative place to camp</i></li> </ul>